

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	CASE NO.: CR-20-307-JD
)	
JUSTIN BIGGS,)	
Defendant.)	

**UNOPPOSED MOTION TO AMEND DEFENDANT’S CONDITIONS OF
RELEASE**

COMES NOW, on this 23rd day of April, 2024, Justin Biggs, by and through his attorneys of record, William H. Bock and Michelle L. Greene, and moves this Honorable court for an Order amending the Order Setting Conditions of Release [Doc. Nos. 30 and 31] to allow for communication between Mr. Biggs and Lindsey Dawn Biggs, regarding the subject of their minor children only, pursuant to the parenting application *Our Family Wizard* and to allow for limited contact with Lindsey Dawn Biggs to facilitate the visitation exchange of the minor children, consistent with the order of Oklahoma County District Court, Special District Judge Lisa Hammond.

JURISDICTION

The Court exercised the jurisdiction conferred by Title 18, Unites States Code, Section 3412(a) and ordered Mr. Biggs’ release from pretrial confinement. The Court imposed certain conditions governing Mr. Biggs’ release pursuant to Section 3142(c)(1). Consistent with this authority, Section 3142 (c)(3) provides the Court “may at any time amend the order to impose additional or different conditions.”

FACTS

Mr. Biggs states the following in support of his request:

1. The Defendant is before this Honorable Court, on pretrial release, awaiting sentencing in the above styled cause;
2. While on pretrial release, on or about the 28th day of August, 2022, Mr. Biggs was arrested and subsequently charged in Oklahoma County District Court Case No. CF-2022-3971 for the crimes of Domestic Assault & Battery by Strangulation, a felony and Domestic Assault and Battery, a misdemeanor. The alleged victim in both counts, as charged, is identified as Mr. Biggs' wife, Lindsey Dawn Biggs;
3. On the 6th day of September, 2022 a hearing was held on the Government's Petition for Action on Conditions of Pretrial Release filed August 28, 2022 [Doc. No. 24];
4. At said hearing, United States Magistrate Judge, Gary M. Purcell found that by clear and convincing evidence, while on release, in violation of the Order Setting Conditions of Release entered on December 16, 2020, the Defendant failed to not use alcohol at all. Additionally, Judge Purcell found there was probable cause to believe that Defendant Biggs committed a Federal, State or local crime while on release in violation of paragraph #1 of the Order Setting Conditions of Release entered on December 16, 2020;

5. Pursuant to the Court's findings, the previous Order Setting Conditions of Release was amended to include a condition that the Defendant is to avoid all contact, direct or indirect, with Lindsey Dawn Biggs [Doc. Nos. 30 & 31];
6. Mr. Biggs and Lindsey Dawn Biggs were married on May 14, 2016;
7. Mr. Biggs and Lindsey Dawn Biggs have a divorce pending in Oklahoma County District Court (FP-2022-736) wherein their two (2) minor children are the subject of custody and visitation;
8. Oklahoma County District Court Protective Order (PO-2022-2688) was filed September 23, 2022, wherein Lindsey Dawn Biggs is the Plaintiff and Justin Biggs is the Defendant. The Emergency Order of Protection was granted and subsequently transferred to be heard with the domestic court filing. The children were ultimately removed from the Protective Order;
9. After months of supervised visitation, on the 17th day of April, 2024, Mr. Biggs was awarded, by Oklahoma County District Court, Special District Court Judge Lisa Hammond, unsupervised visitation with his minor children. Pursuant to said Order, contact between the parties is limited to communication solely thru a parenting application called *Our Family Wizard* (electronic communication). Communication is to concern only issues regarding the minor children. Limited contact is allowed for the purpose of exchanging the children for visitation. Said limited contact was ordered to take place at a police station, with Mr. Biggs prohibited from exiting his vehicle.

10. This limited communication and contact, as provided for by Oklahoma County District Court Special Judge, Lisa Hammond, is currently impossible with the no contact order in place per the Order filed September 6, 2022 [Doc. No. 31] wherein the Defendant is prohibited from all contact, direct or indirect with Lindsey Dawn Biggs;
11. Mr. Biggs requests this Honorable Court modify or amend the Order Setting Conditions of Release [Doc. Nos. 30 and 31] to allow for limited communication between Mr. Biggs and Lindsey Dawn Biggs regarding the subject of their minor children, pursuant to the parenting application *Our Family Wizard* and to allow for limited contact to facilitate the exchange of the minor children, at a police station as ordered by Oklahoma County District Court, Special District Court Judge, Lisa Hammond;
12. Counsel spoke with Assistant U.S. Attorney, Julia Barry about lifting the no contact order for the limited purpose articulated herein and Mrs. Barry has *no* objection to Mr. Bigg's request;
13. U.S. Probation Officer, Steven Daniels, has *no* objection to Mr. Bigg's request;
14. Mr. Biggs is in compliance with all the conditions and requirements of his bond and the Court's Order Setting Conditions of Release.

REQUEST FOR RELIEF

WHEREFORE, defendant Justin Biggs respectfully requests this court for an Order amending the Order Setting Conditions of Release [Doc. Nos. 30 and 31] to allow for communication with Lindsey Dawn Biggs, regarding the subject of their minor children

only, pursuant to the parenting application *Our Family Wizard* and to allow for limited contact with Lindsey Dawn Biggs to facilitate the visitation exchange of the minor children, consistent with the order of Oklahoma County District Court, Special District Court Judge Lisa Hammond.

A proposed Order granting the relief requested herein is being submitted contemporaneously with this Motion.

s/ Billy Bock

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF Registrants:

Mrs. Julia Barry, Assistant United States Attorney
Email: julia.barry@usdoj.gov

s/ Billy Bock

William H. Bock, OBA# 13888